

5/009/005

From: Pete Sokolosky <psokolos@ut.blm.gov>
To: NRDOMAIN.NROGM(TGALLEGO)
Date: Wed, Dec 30, 1998 7:37 AM
Subject: Status of Lucky RC Placer EA 1996-53

Tony -

The Lucky RC placer mining claim was closed (via a Utah State Office decision letter dated) February, 10 1998. The claimants failed to make an annual filing on or before August 31, 1997 and the claim was declared "Forfeited by Operation of Law." This decision was not appealed by the claimants. Before that time, the following also transpired.

Dave Howell (then the Vernal District Manager) decided to adopt the "no action" alternative (in a document called an EA decision record) in the matter of EA 1996-36. The decision document was signed Nov. 28, 1997 and it appears on the third page of the EA which has a November 1997 date on its cover (a copy should have been mailed to DOGM in late Nov. 1997).

This means the BLM elected not to allow the claimants to conduct operations on the subject placer mining claim (as described in the "proposed action" and "off site processing" alternatives analyzed in the EA).

The Utah State Office [BLM] was informed of this decision because there was the pending matter of a hearing before an Administrative Law Judge with the Department of Interior's Office of Hearings and Appeals (if the BLM and the claimants could not come to some agreement to allow operations on the claim, and the decision in the matter of EA 96-53 did exactly that). However, this hearing was cancelled when the claim was declared forfeited by the Utah State Office (see first paragraph above).

The latest mining claim microfilm (dated May 1998) shows the claim is not "closed" though this may be due to a data entry oversight (probably due to the fact the computer system for BLM tracking of mining claims is undergoing changes). I have asked Rita Stelmach at the Utah State Office to check on the status of this claim.

In any case, there are no operations allowed by the BLM in the matter of the former Lucky RC claim and it may be a safe to eliminate such from your database.

Please give me a call if the above is clear as mud (call 435 781-4400 and have the receptionists page me to a telephone, I am still without a phone at my desk).

Pete Sokolosky
Vernal Field Office - BLM